

Jef SEP 21 2017
At 2:00 p M.
Velva L. Price, District Clerk

Cause No. D-1-GN-15-004391

BRADLY PETERSON,
Plaintiff,

v.

CARTER SMITH, EXECUTIVE
DIRECTOR; CLAYTON WOLF, WILDLIFE
DIVISION DIRECTOR; MITCH
LOCKWOOD, BIG GAME PROGRAM
DIRECTOR; and TEXAS PARKS &
WILDLIFE DEPARTMENT,
Defendants.

§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

98th JUDICIAL DISTRICT

**ORDER ON DEFENDANT'S PARTIAL PLEAS TO THE JURISDICTION,
CROSS-MOTIONS FOR SUMMARY JUDGMENT AND MOTIONS FOR
ATTORNEY'S FEES**

Before this Court are Texas Parks and Wildlife Department's ("TWPD") Partial Pleas to the Jurisdiction, TWPD's Motion for Summary Judgment, Plaintiff's Motion for Summary Judgment, TWPD's Motion for Attorney's Fees and Plaintiff's Motion In Support of Attorney's Fees. After considering these motions, the responses, replies, authorities, evidence, pleadings, and arguments of counsel, the Court rules as follows:

IT IS ORDERED that TWPD's Partial Plea to the Jurisdiction that the Court lacks jurisdiction over Plaintiff's request for a declaration of deer ownership is GRANTED.

IT IS ORDERED that TWPD's Partial Plea to the Jurisdiction that the Court lacks jurisdiction over the State Officials with respect to Plaintiff's statutory and constitutional challenges to the rules and the constitutional challenges to the statutes is GRANTED.

IT IS ORDERED that TWPD's Partial Plea to the Jurisdiction that the State Officials are immune because their actions were legislative is GRANTED.

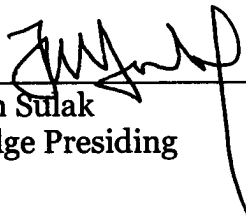
IT IS ORDERED that TPWD's Partial Plea to the Jurisdiction relating to the actions of Defendant Wolf and Defendant Lockwood in their individual capacities is GRANTED.

In addition to and as an alternative, if necessary, to the Court's rulings on TPWD's Partial Pleas to the Jurisdiction, the Court ORDERS that TPWD's Motion for Summary Judgment is GRANTED and that Plaintiff's Motion for Summary Judgment is DENIED.

The Court further ORDERS that TPWD's Motion for Attorney's Fees is GRANTED. The Court finds and concludes that TPWD's defenses of Plaintiff's claims are so inextricably intertwined that segregation of Defendant's attorney's fees is not required. Therefore, the Court ORDERS that TPWD recover attorney's fees in the amount of \$425,862.50 (\$362,967.50 from Plaintiffs Bailey and Peterson jointly and severally, plus \$62,895.00 from Plaintiff Peterson, individually).

The Court further ORDERS that Plaintiff's Motion for Attorney's Fees is DENIED.

SIGNED this 21st day of September, 2017.



Tim Sulak
Judge Presiding